

**RID (Rule Interpretation Decision)**

(Use additional sheets as necessary)

Type of RID		Requested Response Time	DSD Assigned RID # 022
Customer RID	?	24 hours	?
Internal Staff RID	<input checked="" type="checkbox"/>	10 working days	<input checked="" type="checkbox"/>
		As time available	?

**1. Project Name:** Fencing within front yard**2. Project Number:** NA  
(Plat #, Zoning Case #, etc.)**3. Project Street Address:** NA  
(If not available nearest intersection of two public streets)**4. Applicant Name:** Emil Moncivais**5. Applicant Address:** Planning Department**6. Applicant Telephone #:** 207-7952**7. Applicant e-mail Address:** emoncivais@sanantonio.gov**8. Rule in Question:**

(Section and/or policy of UDC, Building Code, Master Plan, etc)

Reoccurring questions have arisen concerning the allowable height of a fence within the front yard setback. There appears to be confusion as to the height allowance for fencing as it relates to the **area between** the minimum front setback (as determined by the base zoning), and the front yard setback (as established by the placement of the primary structure).

**9. Applicant's Position:**

(Including date position presented and name of city staff point of contact)

**Date:** NA**Contact:** NA**Contact Telephone #:** NA

**10. Staff Finding:**

(Including date of finding and name of city staff person formulating finding)

**Date:** September 28, 2004 **Contact:** Emil Moncivais **Contact Telephone #:** 207-7587

The UDC is specific in its regulatory directive and definition of “front yard.”

**11. Staff Position:**

(Including date position presented internally and name of city staff person formulating position)

**Date:** September 28, 2004 **Contact:** Emil Moncivais **Contact Telephone #:** 207-7587

With the exceptions noted in subsection (2) of Section 35-514(c), the UDC specifically addresses height limitation of fencing in the front YARD setback, noting:

**(C) Height limitation**

- (1) No fence or wall, other than the wall of a permitted structure, shall be erected or altered in any front yard to exceed a height of four (4) feet with the fence or wall to be so constructed that vision will not be obscured above a height of three (3) feet.**

Also see Section 35-514e,(1)-(4)

Appendix A defines YARD as:

**“An area on a lot between the lot line and the nearest principal structure, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this chapter.”**

Staff’s position is that the UDC is clear in its intent and definition, and any project review should conform to the UDC, thus, no fence would be deemed conforming that exceeds the above noted heights, at any location in the area between the front lot line and the front yard setback line.

**12. Departmental Policy or Action:**

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director of Development Services)

**Date of policy/action:** October 21, 2004**Effective Date of policy/action:** Immediate

The Director agrees with staff’s finding that a UDC is clear in its intent and definition. Therefore, the Director is issuing the following policy in relation to fencing within the front yard setback:

“ Effective this date, no fencing constructed within the front yard setback, (that area which lies between the front lot line and that of the nearest principal structure), shall exceed a height of four (4) feet , and shall be so constructed that vision will not be obscured above a height of three (3) feet.

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Florencio Peña III, Director  
Development Services Department